

**Introduced by Senator Liu**

February 23, 2009

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An act to amend Section 66406 of the Education Code, relating to college instructional materials.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 216, as introduced, Liu. Public postsecondary education: textbooks.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent postsecondary educational institutions constitute the other segment.

Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that students pay for textbooks, including providing to faculty and departments considering textbook orders a list of all the different products the publisher sells. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, to take specific actions with their respective academic senates, college and university bookstores,

and faculty to promote the selection of textbooks that will result in the cost savings to students.

This bill would revise that provision affecting textbook publishers to encourage publishers to take, at a minimum, those specified actions aimed at reducing the amounts that students currently pay for textbooks. The bill would encourage publishers, in providing lists and prices of different products they sell, to include products they have sold.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66406 of the Education Code is amended  
2 to read:

3 66406. (a) The Legislature finds and declares that the  
4 production and pricing of college textbooks deserves a high level  
5 of attention from educators and lawmakers because they impact  
6 the quality and affordability of higher education.

7 (b) The State of California ~~urges~~ *encourages* textbook publishers  
8 to do, *at a minimum*, all of the following:

9 (1) “Unbundle” the instructional materials to give students the  
10 option of buying textbooks, CD-ROMs, and workbooks “à la carte”  
11 or without additional materials.

12 (2) Provide all of the following information to faculty and  
13 departments when they are considering what textbooks to order,  
14 and post both of the following types of information on publishers’  
15 Internet Web sites where it is easily accessible:

16 (A) A list of all of the different products they sell, *or have sold*,  
17 including both bundled and unbundled options, and the net price  
18 of each product.

19 (B) An explanation of how the newest edition is different from  
20 previous editions.

21 (3) Give preference to paper or online supplements to current  
22 editions rather than producing entirely new editions.

23 (4) Disclose to faculty the length of time they intend to produce  
24 the current edition so that professors know how long they can use  
25 the same book.

26 (5) Provide to faculty a free copy of each textbook selected by  
27 faculty for use in the classroom for placement on reserve in the  
28 campus library.

(c) The Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, accomplish all of the following:

(1) Work with the academic senates of each respective segment to do all of the following:

(A) Encourage faculty to give consideration to the least costly practices in assigning textbooks, varying by discipline, such as adopting the least expensive edition when the educational content is equal, and using a selected textbook as long as it is educationally sound, as determined by the appropriate faculty.

(B) Encourage faculty to disclose both of the following to students:

(i) How new editions of textbooks are different from the previous editions.

(ii) The cost to students for textbooks selected for use in each course.

(C) Review procedures for faculty to inform college and university bookstores of textbook selections.

(D) Encourage faculty to work closely with publishers and college and university bookstores in creating bundles and packages if they are economically sound and deliver cost savings to students, and if bundles and packages have been requested by faculty. Students should have the option of purchasing textbooks and other instructional materials that are “unbundled.”

(2) Require college and university bookstores to work with the academic senates of each respective campus to do both of the following:

(A) Review issues relative to timelines and processes involved in ordering and stocking selected textbooks.

(B) Work closely with faculty or publishers, or both, to create bundles and packages that are economically sound and deliver cost savings to students.

(3) Encourage college and university bookstores to disclose retail textbook costs, on a per course basis, to faculty, and make this information otherwise publicly available.

(4) Encourage campuses to provide as many forums for students to have access to as many used books as possible, including, but not necessarily limited to, all of the following:

(A) Implementing campus-sponsored textbook rental programs.

1 (B) Encouraging students to consider on-campus and online  
2 book swaps so that students may buy and sell used books and set  
3 their own prices.

4 (C) Encouraging students to consider student book lending  
5 programs.

6 (D) Encouraging college and university bookstores that offer  
7 book buyback programs to actively promote and publicize these  
8 programs.

9 (E) Encouraging the establishment of textbook rental programs  
10 and any other appropriate approaches to providing high-quality  
11 materials that are affordable to students.

12 (d) It is the intent of the Legislature to encourage private  
13 colleges and universities to work with their respective academic  
14 senates and to encourage faculty to consider practices in selecting  
15 textbooks that will result in the lowest costs to students.